



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, DC 20350-2000

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Ser DNS-36KM/19U102883

August 7, 2019

Sent via email to: 78165-0549314@requests.muckrock.com

Ms. Taylor Amarel
Muckrock News
Dept MR 78165411A Highland Ave.
Somerville, MA 02144

Dear: Ms. Amarel

This is in reference to your Freedom of Information Act (FOIA)/Privacy Act (PA) request dated April 1, 2019. Your request was received in our office on the same day and assigned case number DON-NAVY-2019-009725.

In accordance with the Department of the Navy's (DON) FOIA regulations (32 CFR 701.8 (a)(1)), a requester is required to describe the records sought in sufficient detail to enable an employee familiar with the subject area of the request to locate responsive records with a reasonable amount of effort. Your request does not comply with this requirement.

A request that uses open-ended phrases such as "any and all" "concerning or relating to" or "including, but not limited to" is not reasonably described, as it provides an unrestricted scope in which any but the most meticulous of searches could be ruled inadequate. As a result, it precludes a knowledgeable individual from conducting a search with a reasonable amount of effort. Requests for records must enable an agency to determine precisely what records are being requested.

In this instance, you requested "All email sent to, from, or copied to Richard V. Spencer, from May 1, 2019 to present day containing any of the following non-case sensitive key strings: "USS Ford", "elevators", "Trump", or "POTUS"." A broad interpretation of this request would constitute scope of interpretation. Even restricted to a single FOIA office, such a broad request fails to establish a reasonable scope.

Descriptive information about a record may be divided into two broad categories:

(i) Category I is file-related and includes information such as type of record, title, index citation, subject area, date the record was created, or its originator.

(ii) Category II is event-related and includes the circumstances that resulted in the record being created or the date and circumstances surrounding the event the record covers.

Generally, a record is not reasonably described unless the description contains sufficient Category I information to permit the conduct of an organized, non-random search based on the existing filing arrangements and retrieval systems, or unless the record contains sufficient Category II information to permit inference of the Category I elements needed to conduct such a search.

In order to process such a request, we would need you to change the linking term from "or" to "and" to provide a more reasonable search criteria.

In accordance with 32 CFR 701.8 (a)(2)(c), we will not proceed further with your request until we receive additional information from you. If we do not hear from you within twenty (20) workdays of the date of this letter (i.e., by September 5, 2019), we will assume you are no longer interested in this request and will close the file on your request. If you submit a reformulated request after this date, it will be assigned a new tracking number and processed according to the new date of receipt.

If you are not satisfied with this action, under 32 CFR §701.12(a), you may appeal the denial of your request by writing to:

Office of the Judge Advocate General
1322 Patterson Ave SE Ste 3000
Washington Navy Yard, DC 20374-5066

Your appeal must be postmarked within ninety calendar days from the date of this letter. A copy of your initial request and this letter must accompany the appeal. The appeal should be marked "FREEDOM OF INFORMATION APPEAL" both on the envelope and the face of the letter. In order to expedite the appellate process and ensure full consideration of your appeal, your appeal should contain a brief statement of the reasons you believe this decision to be in error.

For this determination, you have the right to seek dispute resolution services from either the DoD Navy Component FOIA Public Liaison, Mr. Chris Julka, at: Christopher.a.julka@navy.mil, via phone: (703) 697-0031; or by contacting the Office of Government Information Services at: (<https://ogis.archives.gov/>), (202) 741-5770, ogis@nara.gov.

Questions regarding the action this office has taken to process your request may be directed to our FOIA Service Center at (202) 685-0412 or via email at donfoia-pa@navy.mil.

Sincerely,

A handwritten signature in black ink, appearing to be 'R. Strong', with a stylized flourish extending to the right.

R. Strong
Deputy Director
DON FOIA/PA Program Office